



CFN 2018R0498049
OR BK 31103 Pgs 2188-2223 (36Pgs)
RECORDED 08/16/2018 11:10:33
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. 2018-38

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AMENDMENT TO RESOLUTION NO. Z-10-95; APPROVING A FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS IN LIEU OF UNITY OF TITLE AND MONETARY CONTRIBUTIONS FOR THE OCEAN CLUB BEACH CLUB CLUBHOUSE LOCATED AT 750 OCEAN DRIVE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Ocean Club Community Association, Inc. ("Applicant") submitted a Planning and Zoning Application bearing Public Hearing No. SP-28 ("Application") seeking approval of (1) an amendment to Resolution No. Z-10-95 and (2) a First Amendment to the Amended and Restated Declaration of Restrictive Covenants in Lieu of Unity of Title and Monetary Contributions, recorded in the Official Records of Miami-Dade County Florida at Official Records Book 17116, Page 4718 (the "Declaration") in connection with the proposed construction of a 2,000 square foot addition to the Ocean Club's Beach Club clubhouse located at 750 Ocean Drive as more fully described in the legal description attached hereto as Exhibit "A" ("Property"); and

WHEREAS, on June 5, 2018, the Village Council conducted a duly-noticed public hearing and considered the Application in its entirety, as well as all testimony and other evidence presented and otherwise made part of the record.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:

Section 1 **Recitals** Each of the above stated recitals are hereby adopted confirmed and incorporated herein

Section 2 **Findings** The Village Council based upon the competent substantial evidence presented finds that the Application is consistent with the Village's Master Plan and that the Applicant has met all of the applicable requirements within the Village's Zoning Code

Section 3 **Approving Amendment to Section 2 A of Resolution No Z 10 95**
Section 2 A of Resolution No Z 10 95 is amended to read as follows ¹

A That the Property be developed substantially in accordance with the plan entitled The Ocean Club Master Plan prepared by Bradshaw Gill and Associates dated July 27 1995 consisting of one sheet and the plan entitled The Ocean Club Sight Line From Sands Condominium dated July 24 1995 containing one sheet (the Plans) as modified by the plan entitled Beach Club Additions & Interior Renovations, prepared by Peacock + Lewis, dated April 12, 2018, consisting of five sheets.

Section 4 **Approving First Amendment to Amended and Restated Declaration of Restrictive Covenants in Lieu of Unity of Title and Monetary Contributions** The requested amendments to the Declaration as shown on Exhibit B to this Resolution are hereby approved

Section 5 **Conditions** The approval granted by this Resolution is subject to compliance with the following conditions

- a The Applicant shall obtain administrative approval of plans in substantial compliance with the plans titled Ocean Club Phase 2 Storage Building Addition prepared by Peacock + Lewis Architects dated April 12 2018 consisting of five sheets and attached hereto as Exhibit C

¹ Coding ~~Strike through words~~ are deletions to the existing words Underlined words are additions to the existing words

- b The Applicant shall submit a tree removal/relocation plan and landscape plan at the time of building permit application showing relocation to the greatest extent possible of all vegetation in the addition footprint as well as replacement of any trees removed with equivalent trunk diameter at 4 trunk height Additional vegetation may be required to screen the subject addition from the Tower Two pool deck as determined by site line studies to be submitted by the Applicant Prior to any tree removal the Village shall have the opportunity to obtain any trees that will not be retained on site and place them on public property Tree relocation costs shall be at the expense of the developer

Section 6 **Recording** This Resolution shall be recorded by the Applicant at the Applicant's expense in the public records of Miami Dade County Florida prior to the issuance of a building permit A copy of the proof of recordation shall be submitted to the Village Clerk prior to the issuance of any building permits

Section 7 **Conflicts** In the event that any part of this Resolution conflicts with Dade County Resolution No Z 188 89 as modified by Resolution Z 127 91 and Village Resolution Z 10 95 this Resolution shall control however said Resolution No Z 188 89 as modified and each of the provisions and conditions therein shall survive to the extent necessary and appropriate to allow for the development of the Property in accordance with the plans described in this Resolution

Section 8 **Effective Date** This Resolution shall be effective immediately upon adoption

Section 9. **Appeal.** Any appeal of the approval granted under this Resolution shall be filed within 30 days of rendition in accordance with Rule 9.100(c) of the Florida Rules of Appellate Procedure.

PASSED and ADOPTED this 5th day of June 2018.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


JENNIFER MEDINA, CMC
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY

This Resolution was rendered and filed in the Office of the Village Clerk on this 5 day of June, 2018.

EXHIBIT A

LEGAL DESCRIPTION

SUBJECT PROPERTY A portion of Sections 4 and 5 Township 35 South Range 42 East described as follows

Parcel I The south 100' of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel II Begin at the Southwest corner of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 the same being a point on the E/ly right-of way line of Ocean Drive as the same is shown on the said FIRST ADDITION TO BISCAYNE KEY ESTATES thence S89° 58' 38" W along the prolongation west of the south line of the said Tract G for a distance of 114.61' to a point on the E/ly right-of way line of the realignment of Ocean Drive Official Record Book 6631 Pages 6 & 7 thence run N13° 38' 2" W along said E/ly right-of way line a distance of 738.07' to a point on a circular curve whose center bears N88° 46' 21" 8" E from said point thence S/ly along the last described circular curve and the W/ly boundary of said Tract G having a radius of 2,450' through a central angle of 17° 35' 30" for an arc distance of 752.23' to the Point of Beginning

Parcel III The west 100' of Tract G less the south 100' thereof FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel A Lot 1 and Lot 2 Block 1 ALCAZAR Plat Book 117 Page 96

Parcel B Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 lying W/ly of the W/ly right-of way boundary of the realignment of Ocean Drive as described in that certain right-of way deed to Dade County filed on November 3, 1969 Official Record Book 6631 Pages 6 & 7

Subject to the dedications to Dade County by Right-of Way Deeds filed on June 17, 1955 Deed Book 4110 Pages 3 & 4 and on January 21, 1970 Official Record Book 6727 Pages 587 and 588 for rights-of way of East Wood Drive and Seaview Drive

LESS AND EXCEPTING from Parcel B Parcel A as aforescribed and Less and Excepting the East 233.55' of that portion of Tract F as aforescribed lying north of the N/ly right-of way boundary of East Wood Drive described in Deed filed on June 17, 1955 in Deed Book 4110 Pages 3 & 4

Parcel C The east 233.55' of that part of Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 lying north of the north right-of way boundary of East Wood Drive Deed Book 4110 Page 3

Less the following described parcel deeded to Dade County for right-of way by instrument recorded in Official Records Book 10636 Page 744 re recorded in Official Records Book 10947 Page 1910

The external area formed by a 25' radius circular curve to the Northwest tangent to the east with the east boundary of Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 and tangent to the south with the north right-of way boundary of East Wood Drive as described in that certain right-of way deed to Dade County filed for record June 17, 1955 and duly recorded in Deed Book 4110 Page 3 All of the foregoing lying situate and being in Section 5 Township 35 South Range 42 East KEY BISCAYNE,

LOCATION Lying between Crandon Boulevard and the Atlantic Ocean from East End Drive to Seaview Drive Key Biscayne, Dade County Florida, and

EXHIBIT B

**FIRST AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF RESTRICTIVE COVENANTS
IN LIEU OF UNITY OF TITLE AND MONETARY CONTRIBUTIONS**

1

Prepared By and
Return to Upon Recordation
Jennifer Fine Esq
600 Brickell Avenue
Suite 3500
Miami FL 33131

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF
RESTRICTIVE COVENANTS IN LIEU OF UNITY OF TITLE AND MONETARY
CONTRIBUTIONS**

THIS FIRST AMENDMENT (this Amendment) is made and entered into this _____ day of _____ 2018 (the Effective Date) by and between Ocean Club Community Association Inc a Florida not for profit corporation (the Association) and the Village of Key Biscayne a municipal corporation (the Village)

WHEREAS the Association is the master association for the Ocean Club development located on the property in Key Biscayne Florida described in Exhibit A attached hereto (the Property) and

WHEREAS on June 5 2018 the Village Council passed and adopted Resolution No _____ (the Resolution) a copy of which is attached hereto as Exhibit B approving an amendment to Resolution No Z 10 95 and an amendment to the Amended and Restated Declaration of Restrictive Covenants in Lieu of Unity of Title and Monetary Contributions recorded in Official Records Book 17116 at Page 4718 in the Public Records of Miami Dade County Florida (the Declaration) a copy of which is attached hereto as Exhibit C in order to permit the construction of a 2 000 square foot addition to the Ocean Club s Beach Club clubhouse in accordance with the plans entitled Beach Club Additions & Interior Renovations prepared by Peacock + Lewis dated April 12 2018 copies of which are attached hereto as composite Exhibit D and

WHEREAS the Association is the entity authorized to enter into modifications of the Declaration pursuant to Section 16 of the Declaration

NOW THEREFORE for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged the parties hereby agree as follows

- 1 Section 1 of the Declaration is hereby amended as follows ¹

That the Property be developed substantially in accordance with the plan entitled The Ocean Club Master Plan prepared by Bradshaw Gill and Associates dated July 27 1995 consisting of

¹ Coding ~~Strikethrough words~~ are deletions to the existing words Underlined words are additions to the existing words

one sheet and the plan entitled The Ocean Club Sight Line From Sands Condominium dated July 24 1995 containing one sheet ~~(collectively referred to as the Plans)~~ as modified by the plan entitled Beach Club Additions & Interior Renovations , prepared by Peacock + Lewis, dated April 12, 2018, consisting of five sheets (collectively referred to as the Plans)

2 Section 2 of the Declaration is hereby amended as follows ²

Limit development to those land uses authorized by the Village Code and consisting of 25.28 acres of RU 4A zoned land and 29.97 acres of RU 4L zoned land. The RU 4A zone is to include five buildings containing 560 dwelling units plus accessory and incidental uses a beach club structure of a maximum of ~~20,000~~22,000 square feet six swimming pools beach/pool service structures of no more than 5,000 square feet and up to a maximum of 140 cabanas and other recreational features. The RU 4L zone is to include 272 dwelling units in six buildings plus accessory and incidental uses three swimming pools a Bath and Tennis Club structure of no more than 8,000 square feet six tennis courts and other recreational features.

3 All other terms and conditions of the Declaration shall remain in full force and effect

[Signatures on following page]

² Coding ~~Strikethrough words~~ are deletions to the existing words Underlined words are additions to the existing words

IN WITNESS WHEREOF the undersigned have set their hands and seals to this Amendment this _____ day of _____, 2018

**Ocean Club Community Association,
Inc** a Florida not for profit corporation

WITNESS

Print Name _____

By _____

Print Name _____

Owner s Address 750 Ocean Drive Key
Biscayne FL 33149

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by _____ the
_____ of Ocean Club Community Association Inc this _____ day of
_____ 2018 who is personally known to me or who produced
_____ as identification

Notary Public State of Florida at Large

Print Name _____

My commission expires _____

Village of Key Biscayne a municipal corporation

WITNESS

Print Name _____

By _____
John C Gilbert Village Manager

Print Name _____

Village s Address 88 West McIntyre
Street Key Biscayne FL 33149

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by John C Gilbert the Village Manager of the Village of Key Biscayne this _____ day of _____ 2018 who is personally known to me or who produced _____ as identification

Notary Public State of Florida at Large
Print Name _____
My commission expires _____

Village of Key Biscayne a municipal corporation

WITNESS

Print Name _____

By _____
Sergio Ascunce Director of Building
Zoning Planning and Public Works

Print Name _____

Village s Address 88 West McIntyre
Street Key Biscayne FL 33149

STATE OF FLORIDA
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by Sergio Ascunce the Village s Director of Building Zoning Planning and Public Works this _____ day of _____ 2018 who is personally known to me or who produced _____ as identification

Notary Public State of Florida at Large
Print Name _____
My commission expires _____

EXHIBIT A

Legal Description of Property

SUBJECT PROPERTY A portion of Sections 4 and 5 Township 55 South Range 42 East described as follows

Parcel I The south 100 of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel II Begin at the Southwest corner of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 the same being a point on the E/ly right-of way line of Ocean Drive as the same is shown the said FIRST ADDITION TO BISCAYNE KEY ESTATES thence 89 58 38 W along the prolongation west of the south line of the said Tract G for a distance of 114 61 to a point on the E/ly right-of way line of the realignment of Ocean Drive Official Record Book 6631 Pages 6 & 7 thence run N1 13 38 2 W along said E/ly right-of way line a distance of 738 07 to a point on a circular curve whose center bears N88 46 21 8 E from said point thence S/ly along the last described circular curve and the W/ly boundary of said Tract G having a radius of 2 450 through a central angle of 17 35 30 1 for an arc distance of 752 23 to the Point of Beginning

Parcel III The west 100 of Tract G less the south 100 thereof FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel A Lot 1 and Lot 2 Block 1 ALCAZAR Plat Book 117 Page 96

Parcel B Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 lying W/ly of the W/ly right-of way boundary of the realignment of Ocean Drive as described in that certain right-of way deed to Dade County filed on November 3 1969 Official Record Book 6631 Pages 6 & 7

Subject to the dedications to Dade County by Right-of Way Deeds filed on June 17 1955 Deed Book 4110 Pages 3 & 4 and on January 21 1970 Official Record Book 6727 Pages 587 and 588 for rights-of way of East Wood Drive and Seaview Drive

LESS AND EXCEPTING from Parcel B Parcel A as aforescribed and Less and Excepting the East 233.55 of that portion of Tract F as aforescribed lying north of the N/ly right-of way boundary of East Wood Drive described in Deed filed on June 17 1955 in Deed Book 4110 Pages 3 & 4

Parcel C The east 233.55 of that part of Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 lying north of the north right-of way boundary of East Wood Drive Deed Book 4110 Page 3

Less the following described parcel deeded to Dade County for right-of-way by instrument recorded in Official Records Book 10636 Page 744 re recorded in Official Records Book 10947 Page 1910

The external area formed by a 25 radius circular curve to the Northwest tangent to the east with the east boundary of Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 and tangent to the south with the north right-of way boundary of East Wood Drive as described in that certain right-of way deed to Dade County filed for record June 17 1955 and duly recorded in Deed Book 4110 Page 3 All of the foregoing lying situate and being in Section 5 Township 55 South Range 42 East KEY BISCAYNE,

LOCATION Lying between Crandon Boulevard and the Atlantic Ocean from East End Drive to Seaview Drive Key Biscayne Dade County Florida and

EXHIBIT "B"

Resolution No _____

[TO BE ADDED]

EXHIBIT "C"

**Amended and Restated Declaration of Restrictive Covenants in Lieu of Unity of Title and
Monetary Contributions, recorded in Official Records Book 17116, at Page 4718, in the
Public Records of Miami Dade County, Florida**

This Document Prepared by
Carter N McDowell, Esq
Eckert Seamans Cherin & Mellott
701 Brickell Avenue, Suite 1850
Miami Florida 33131

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96R093503 1996 MAR 05 12:42

**AMENDED AND RESTATED
DECLARATION OF RESTRICTIVE
COVENANTS IN LIEU OF UNITY OF TITLE
AND MONETARY CONTRIBUTIONS**

The Ocean Club Key Biscayne Limited Partnership and THSP Associates Limited Partnership III (Owner) hereby voluntarily make declare and impose on the property described below, the covenants running with the title to the land which shall be binding on the Owner, its heirs successors and assigns personal representatives mortgagees lessees and against all persons claiming by through or under them until such time as this instrument is released in writing as hereinafter provided.

WHEREAS Owner holds the fee simple title to the property in Dade County Florida described in Exhibit A attached and incorporated in this instrument (hereinafter referred to as the Property) and

WHEREAS on September 14 1989 the Board of County Commissioners of Metropolitan Dade County passed and adopted Resolution No Z 187 89 approving a Development of Regional Impact Development Order (the Original D O) for the project known as the Key Biscayne Hotel and Villas on a 55± acre property located within the Village of Key Biscayne and

WHEREAS, on July 18, 1991, the Metropolitan Dade County Board of County Commissioners approved modifications to the Original D O by passage of Resolution No Z-127 91, and

WHEREAS on June 18 1991 the Village of Key Biscayne was incorporated and Metropolitan Dade County approved the Charter for the Village of Key Biscayne by Resolution No 90-142 thereby officially transferring land use and zoning jurisdiction over the Property to the Village of Key Biscayne Florida and

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12
12

WHEREAS Owner intends to develop the Property for residential uses and various ancillary uses and wants to assure the Village of Key Biscayne that (1) the development will be built in substantial accordance with the proffered plans and (2) the representations made by the Owner in connection with the approval of The Ocean Club Key Biscayne zoning application and the issuance of a Development Order approving modifications to the development in accordance with Section 380.06 of the Florida Statutes will be satisfied and

WHEREAS Owner intends to develop the buildings on the Property in a condominium format of ownership and/or in two or more phases and

WHEREAS Owner may wish to convey portions of the Property from time to time and may wish to offer units as condominiums and is executing this instrument to assure the Village that the phased development of the Property with future ownership will not violate the Zoning Code or other land use ordinances or regulations of the Village when it is developed

NOW THEREFORE in consideration of the premises Owner hereby agrees as follows

1 Site Plan The Property will be developed in substantial conformity with the site plans entitled, The Ocean Club Master Plan prepared by Bradshaw Gil & Associates dated July 27, 1995 consisting of one sheet and the plan entitled The Ocean Club Sight Line from Sands Condominium dated July 24, 1995 containing one sheet (collectively referred to as the Plans)

2 Limit development to those land uses authorized by the Village Code and consisting of 25.28 acres of RU-4A zoned land and 29.67 acres of RU-4L zoned land. The RU-4A zone is to include five buildings containing 560 dwelling units plus accessory and incidental uses a beach club structure of a maximum of 20,000 square feet six swimming pools beach/pool service structures of no more than 5,000 square feet and up to a maximum of 140 cabanas and other recreational features. The RU-4L zone is to include 272 dwelling units in six buildings plus accessory and incidental uses three swimming pools a Bath and Tennis Club structure of no more than 8,000 square feet six tennis courts and other

recreational features

3 Phased Development If the property is developed in phases each phase will be developed in substantial accordance with the site plan and all zoning requirements Each phase or stage of development when standing independently or in conjunction with existing developed contiguous phases or stages shall meet all zoning requirements This provision shall not be subject to a request for a variance

4 Reciprocal Easements Where necessary and to the extent necessary Owner hereby reserves easements and hereby grants reciprocal cross-easements to the owners of each phase or stage of development in and over the Property for utilities water and sewer lines common parking areas streets driveways entrance and exits so that the integrity of the development shall be maintained

5 Multiple Ownerships In the event of multiple ownership subsequent to site plan approval each of the subsequent owners mortgagees and other parties in interest shall be bound by the terms provisions and conditions of this instrument

6 Homeowner's Association

A master property owners association or other similar entity will be created prior to the conveyance of any portion of the Property for the entire development (total property) as a master association which shall provide for the maintenance of all common areas certain roadways cross easements and other amenities common to the entire parcel of land (the Property) This instrument shall not however preclude individual condominium or associations for or owners of each phase or stage to maintain their own buildings or other own common areas as long as such associations or owners or the members of such associations are members of the master association and each such

condominium or other association is required by this instrument to be members of the master
ASSOCIATION

7 Monetary Fire Service Contribution To help defray the capital costs of future fire service expansion needs benefitting the development of the Property Owner shall voluntarily contribute to the Village of Key Biscayne Fire Department the sum of \$239 470 00 which represents \$160 00 per residential unit and \$0 16 per square foot of commercial development on the Property The fire service contribution shall be made in two parts the first payment is due at the time of platting or waiver of plat approval on the Property or any portion thereof and the final payment is due at the time of the issuance of a building permit for the 693rd residential unit to be constructed on the Property The fire service contribution shall be adjusted for cost-of living charges over time beginning on the day following approval at a public hearing of the subject application The standard for determining cost of living adjustments shall be the Fixed Weighted Price Index for Gross Private Domestic Fixed Investment Non Residential (Deflator) issued quarterly by the Bureau of Economic Analysis United States Department of Commerce

8 Entrance Feature Improvements Associated with Bill Baggs Cape Florida State Recreation Area Owner shall voluntarily contribute \$140 000 to be used towards the design and construction of the improvements on state property at the Bill Baggs State Park entrance before the issuance of any final certificate of occupancy Owner shall obtain approval of the final design of the entrance by the Dade County Public Works Department and State Department of Natural Resources

9 Variable Message Signage Contribution Owner shall voluntarily contribute \$65,000 to Dade County to be used towards the design and installation of variable message signage including communications to be located in the vicinity of the Rickenbacker Toll Plaza and Bear Cut Owner shall make these funds available within six months of the adoption of the Development Order and such funds shall remain available until expended or until December 31 1995 whichever occurs first

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10 Roadway Improvements Before January 1 1992 Owner shall pay its proportional share of the roadway improvements identified in Exhibit B attached to be applied as a credit against the contribution identified in paragraph 9 above as allowed by the Dade County Public Works Department. Additional credit against the contribution identified in paragraph 9 of this instrument may be allowed as determined by the Dade County Public Works Department.

11 Local Park/Athletic Programming Contribution If a site for a local park for Key Biscayne residents is obtained by the County within the Bill Baggs Cape Florida State Recreation Area (State Park) then Owner shall voluntarily contribute \$50 000 per acre of such local park up to a maximum of \$500 000 to be used for the development of such local park including preparation of the land and installation of playing fields. To the extent that a surplus exists after the completion of such improvements then the balance of such funds shall be used as provided in the next sentence. If the necessary state approvals for such local park within the State Park are not obtained within one year from the date this Agreement becomes effective then Owner shall contribute a maximum of \$500 000 for athletic programming and equipment for residents of Key Biscayne to be administered by the County's Park and Recreation Department.

12 Monetary School Contribution Owner shall voluntarily contribute \$3 200 000 to the School Board of Dade County Florida (School Board) payable in three equal principal installments of \$1 066 667 on July 1 1993 July 1 1995 and July 1 1997 for the construction of supplemental improvements to the Key Biscayne Elementary School. The specific terms of this school contribution shall be set forth in a separate Declaration of Restrictive Covenants Concerning Monetary Contributions to Key Biscayne Elementary School between the Owner and the School Board and recorded in the Public Records of Dade County Florida within thirty days of the execution of this instrument.

13 Issuance of Building Permits and Final Certificates of Occupancy Owner shall not request the issuance of any certificates of occupancy until the Owner is in compliance with paragraph

8 of this instrument Beginning on January 1 1992 Owner shall not request the issuance of any further building permits until Owner is in compliance with paragraph 10 of this instrument

14 Term of Declaration The provisions of this instrument shall become effective upon their recordation in the public records of Dade County Florida and shall continue in effect for a period of thirty (30) years after the date of such recordation after which time they shall be extended automatically for successive periods of ten (10) years each unless released in writing by the then owners of the Property (or the Association named in paragraph 5 above on their behalf) and the Village of Key Biscayne

15 Amendment and Restatement of Previously Approved Covenant The provisions contained herein shall amend restate and supersede the following document

Declaration of Restrictive Covenants in Lieu of Unity of Title Monetary Contributions and Pedestrian Easement recorded in Official Records Book 14281 at Page 1543

16 Modification The provisions of this instrument may be amended added to derogated deleted modified or changed from time to time by recorded instrument executed by the then owner or the majority of the owners of all the Property or the Master Association referred to above provided that such modification amendment or release is also approved by the Village Council of the Village of Key Biscayne after public hearing

Should this Declaration of Restrictive Covenants be so modified amended or released the Director of Planning Zoning and Building or his successor shall forthwith execute a written instrument effectuating and acknowledging such modification amendment or release

17 Enforcement Enforcement shall be by action at law or in equity against any parties or persons violating or attempting to violate any covenants either to restrain violation or to recover damages The prevailing party in the action or suit shall be entitled to recover in addition to costs and

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disbursements allowed by law such sum as the court may adjudge to be reasonable for the services of his attorney

18 Presumption of Compliance When construction has occurred on the Property or on any portion of the Property pursuant to a lawful permit issued by the Village and inspections made and approval of occupancy granted by the Village then such construction inspections and approval shall create a presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration This Declaration shall not be construed as a cloud on title on the Property or on any portion of the Property upon which such development has occurred

19 Inspection As further part of this agreement it is hereby understood and agreed that any official inspector of the Village or its agents duly authorized may have the privilege at any time during normal working hours of entering and investigating the use of the premises to determine whether the Property complies with building and zoning regulations and the conditions herein

20 Severability Invalidation of any of these covenants by judgment or court in no way shall affect any of the other provisions of this instrument which shall remain in full force and effect

Signed sealed executed and acknowledged on this 4 day of Mar 1996

THE OCEAN CLUB KEY BISCAIYNE LIMITED
PARTNERSHIP an Illinois limited partnership
acting by and through its sole general partner

Witness

Angie D. Thun
Print Name Angie D. Thun

Carol A. Smith
Print Name Carol A. Smith

By The Ocean Club Key Biscayne Inc an
Illinois corporation

By John A. Hinson
John A. Hinson President

[CORPORATE SEAL]

OFF REC 17116PC4725

THSP ASSOCIATES LIMITED PARTNERSHIP
 III a Delaware limited partnership acting by and
 through its sole general partner

Witness

By THSP III Corp. a Delaware corporation

Print Name Angie M Thun

By John A Hinson President

Print Name BRUCE A. McJANNET

[CORPORATE SEAL]

STATE OF FLORIDA)
COUNTY OF DADE) SS

The foregoing instrument was acknowledged before me this 14 day of March 1996 by John A. Hinson President of The Ocean Club Key Biscayne Inc. an Illinois corporation as General Partner of The Ocean Club Key Biscayne Limited Partnership an Illinois limited partnership. He is personally known to me or has produced N/A as identification.

(Notary)
 Vivianne Amador
 (Notary name printed)
 OFFICIAL NOTARY SEAL
 VIVIANNE AMADOR
 COMMISSION EXPIRATION DATE OF FLORIDA
 COMMISSION NO 0037114
 MY COMMISSION EXPIRES OCT 11 2008
 (Commission expiration date)

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 4th day of March 1996, by John A. Hinson President of THSP III Corp a Delaware corporation as General Partner of THSP Associates Limited Partnership III a Delaware limited partnership. He is personally known to me or has produced N/A as identification.

(Notary)
Vivianne Amador
(Notary name printed)
OFFICIAL NOTARY SEAL
VIVIANNE AMADOR
NOTARY PUBLIC STATE OF FLORIDA
(Commission number) COMMISSION NO C2397741
MY COMMISSION EXP OCT 7, 1998
(Commission expiration date)

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REC 17116P4726

Exhibit "A"

SUBJECT PROPERTY A portion of Sections 4 and 5 Township 55 South Range 42 East described as follows

Parcel I The south 1 100 of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel II Begin at the Southwest corner of Tract G FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 the same being a point on the E/ly right of way line of Ocean Drive as the same is shown on the said FIRST ADDITION TO BISCAYNE KEY ESTATES thence 89 58 38 W along the prolongation west of the south line of the said Tract G for a distance of 114 61 to a point on the E/ly right-of way line of the realignment of Ocean Drive, Official Record Book 6631 Pages 6 & 7 thence run N1 13'38 2 W along said E ly right-of way line a distance of 738 07 to a point on a circular curve whose center bears N88 46 21 8 E from said point thence S/ly along the last described circular curve and the W/ly boundary of said Tract G having a radius of 2 450 through a central angle of 17 35 30 1 for an arc distance of 752 23 to the Point of Beginning

Parcel III The west 100 of Tract G less the south 1 100 thereof FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19 together with all riparian rights appurtenant and adjacent thereto

Parcel A Lot 1 and Lot 2 Block 1 ALCAZAR Plat Book 117 Page 96

Parcel B Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES, Plat Book 53 Page 19 lying W/ly of the W/ly right of way boundary of the realignment of Ocean Drive as described in that certain right-of way deed to Dade County filed on November 3 1969 Official Record Book 6631 Pages 6 & 7

Subject to the dedications to Dade County by Right-of Way Deeds filed on June 17 1955 Deed Book 4110 Pages 3 & 4 and on January 21 1970 Official Record Book 6727 Pages 587 and 588 for rights of way of East Wood Drive and Seaview Drive

LESS AND EXCEPTING from Parcel B Parcel A as aforescribed and Less and Excepting the East 233 55 of that portion of Tract F as aforescribed lying north of the N/ly right-of way boundary of East Wood Drive described in Deed filed on June 17 1955 in Deed Book 4110 Pages 3 & 4

Parcel C The east 233 55 of that part of Tract F FIRST ADDITION TO BISCAYNE KEY ESTATES Plat Book 53 Page 19, lying north of the north right of way boundary of East Wood Drive Deed Book 4110 Page 3

Less the following described parcel deeded to Dade County for right-of way by instrument recorded in Official Records Book 10636 Page 744 re recorded in Official Records Book 10947 Page 1910

OFF
REC 17116PC4727

The external area formed by a 25' radius circular curve to the Northwest, tangent to the east with the east boundary of Tract "F" FIRST ADDITION TO BISCAVNE KEY ESTATES, Plat Book 53, Page 19, and tangent to the south with the north right-of way boundary of East Wood Drive as described in that certain right-of way deed to Dade County filed for record June 17, 1955, and duly recorded in Deed Book 4110 Page 3 All of the foregoing lying situate and being in Section 5 Township 55 South Range 42 East KEY BISCAVNE,

LOCATION Lying between Crandon Boulevard and the Atlantic Ocean, from East Enid Drive to Seaview Drive, Key Biscayne, Dade County Florida, and

OFF REC 17116PC4728

Exhibit "B"

PROPORTIONAL SHARE FOR ROADWAY IMPROVEMENTS

	Applicant s <u>Proportional Share</u>
A Crandon Boulevard/Wood Drive Extend southbound left turn storage bay	\$5 000
B Brickell Avenue Six lane widening from SE 25th Road to SE 26th Road	<u>\$18,553</u>
TOTAL Proportional Share	\$23 553

SOURCE ADA SFRPC

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

EXHIBIT ' D

**Plans entitled "Beach Club Additions & Interior Renovations",
prepared by Peacock + Lewis, dated April 12, 2018**

OCEAN CLUB-PHASE 2

Key Biscayne
Florida

STORAGE BUILDING ADDITION

LOCATION MAP



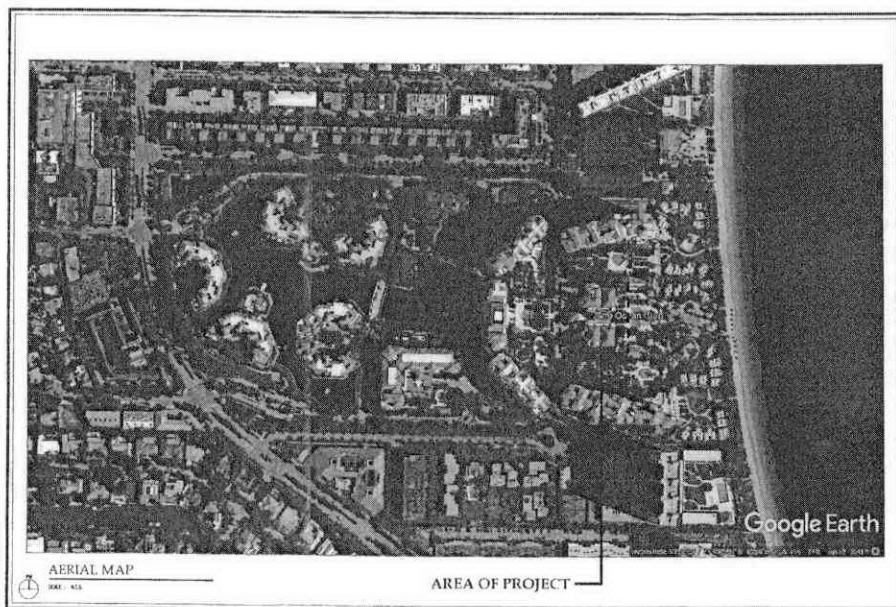
SHEET INDEX

1-1	COVER SHEET
1-2	PROPOSED SITE PLAN
1-3	PROPOSED FLOOR PLAN
1-4	PROPOSED ELEVATIONS
1-5	PROPOSED SECTION

SITE DATA & BUILDING DATA
ZONING DISTRICT: PUD-1 (PUBLIC USE)

THE PROPOSED SITE IS LOCATED ON THE EAST SIDE OF THE KEY BISCAYNE AVENUE, BETWEEN THE 10000 AND 11000 FEET MARKS. THE SITE IS ADJACENT TO THE OCEAN CLUB RESORT. THE PROPOSED BUILDING IS A STORAGE BUILDING TO BE USED FOR THE STORAGE OF GOLF CLUBS AND EQUIPMENT. THE BUILDING IS TO BE CONSTRUCTED ON A 1.5 ACRE PARCEL. THE BUILDING IS TO BE 10 FEET TALL AND 100 FEET LONG. THE BUILDING IS TO BE 10 FEET TALL AND 100 FEET LONG. THE BUILDING IS TO BE 10 FEET TALL AND 100 FEET LONG.

ITEM	DESCRIPTION	REMARKS
1.0	PROPOSED SITE	1.0 ACRE
2.0	PROPOSED BUILDING	100 FEET X 10 FEET
3.0	PROPOSED DRIVEWAY	10 FEET X 10 FEET
4.0	PROPOSED PARKING	10 FEET X 10 FEET



PEACOCK + LEWIS AIA



SITE PLAN APPROVAL

04-12-2018
P+L PROJECT No. 15-086



PEACOCK + LEWIS
ARCHITECTS AND PLANNERS, LLC
10000 BAYVIEW BLVD., SUITE 100
KEY BISCAYNE, FL 33149

10000 BAYVIEW BLVD., SUITE 100
KEY BISCAYNE, FL 33149



OCEAN CLUB

BEACH CLUB
ADDITIONS &
INTERIOR
RENOVATIONS

SITE PLAN
APPROVAL

KEY BISCAYNE,
FLORIDA

THIS DOCUMENT IS THE PROPERTY OF PEACOCK + LEWIS ARCHITECTS AND PLANNERS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PEACOCK + LEWIS ARCHITECTS AND PLANNERS, LLC.

DATE: 04-12-2018
BY: [Signature]

DATE: 04-12-2018
BY: [Signature]

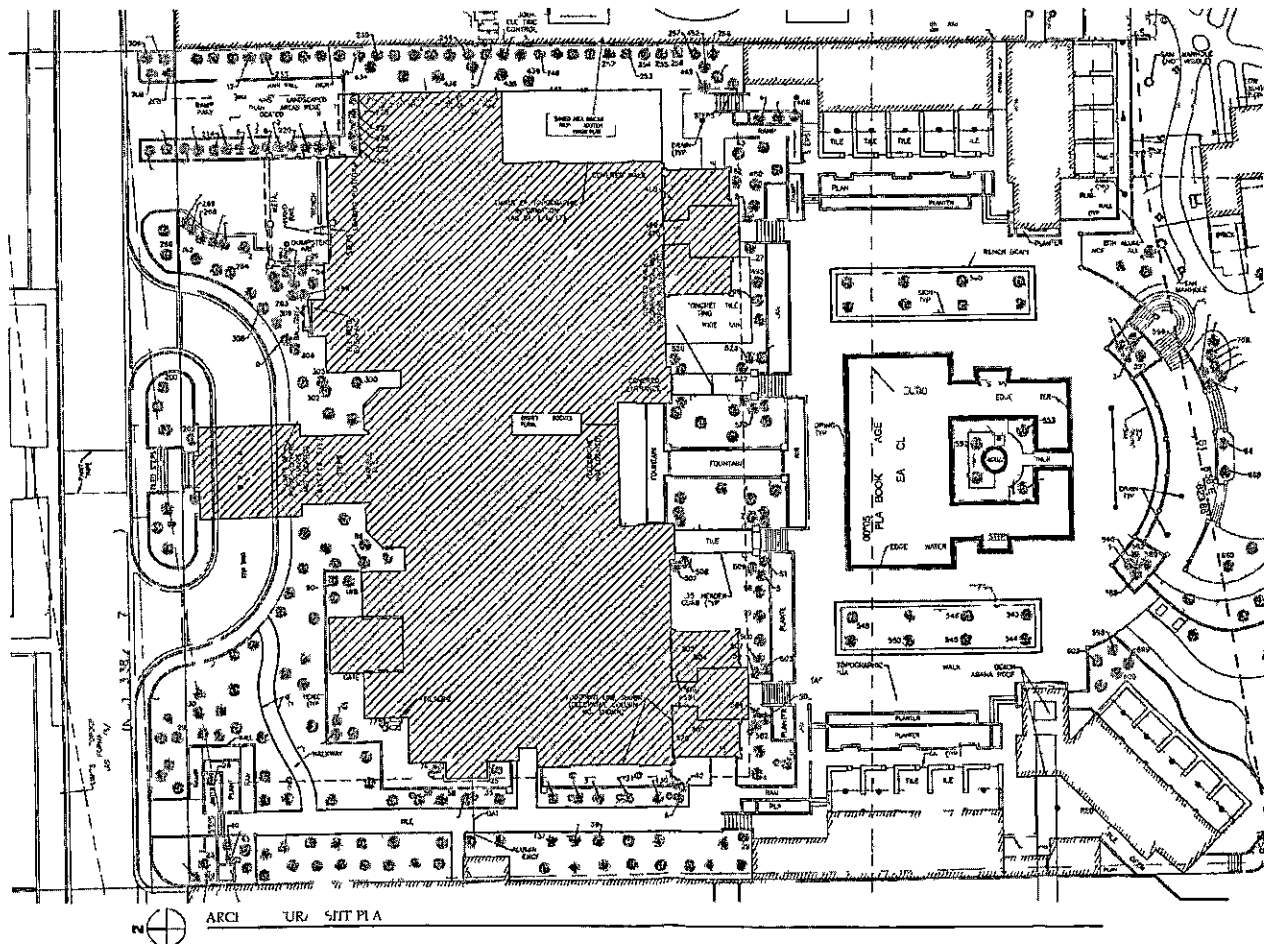
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OCEAN CLUB
1000 S. OCEAN BLVD.
OCEAN CITY, MD 21841



OCEAN CLUB

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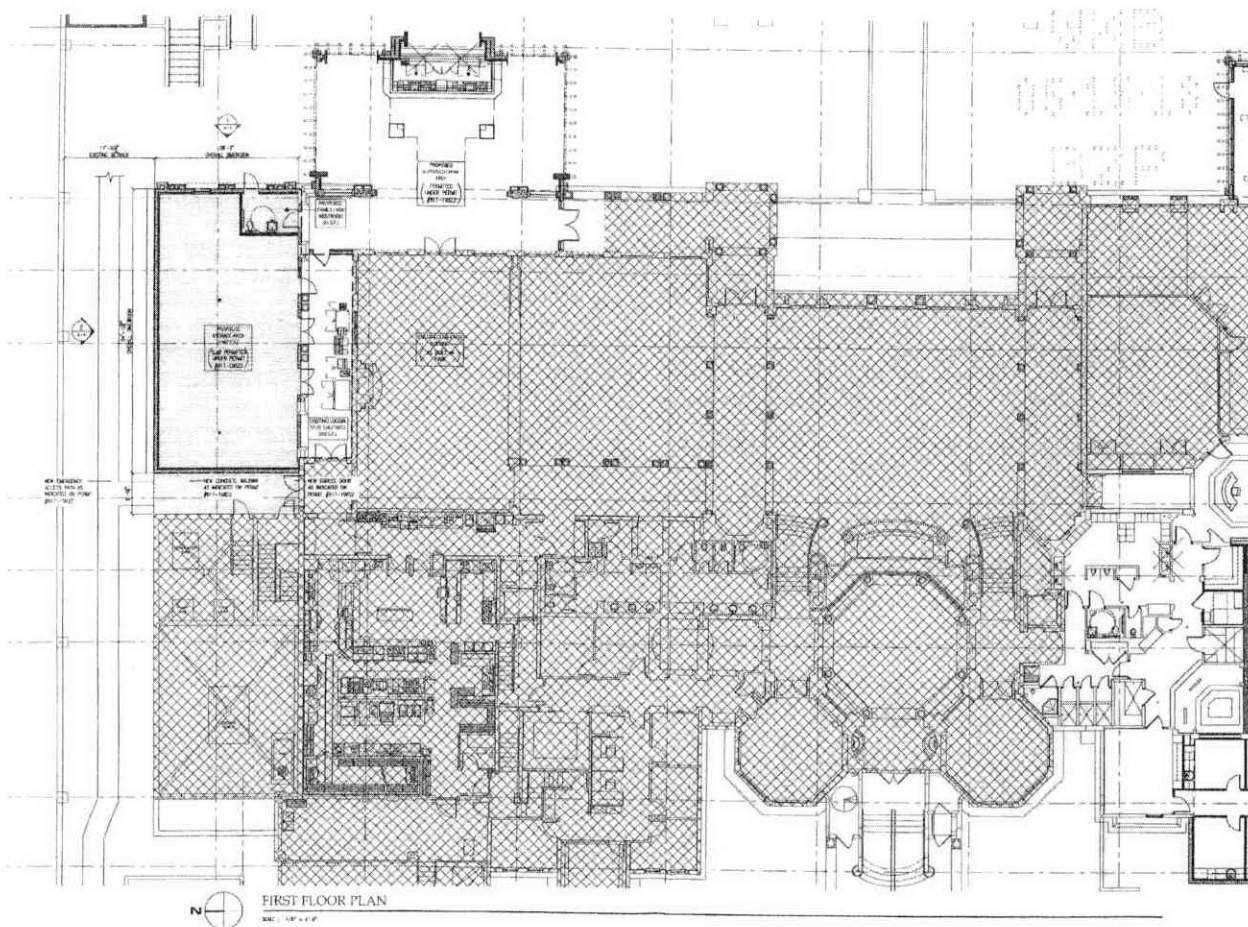


OCEAN CLUB

ALL TECTU
SITE PLA

CLUB

A1



BLANCH FLUKE
ADDITIONS &
INTERIOR
RENOVATION

NOT DISCLOSED
LIMITED

TRANSPORTATION

10. The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief, and that he is not aware of any information that would cause the information furnished herein to be untrue or incorrect.



254-255

Control	Test

Intensity dB	Frequency Hz
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Sheet No. _____

A-2

1



BEACH CLUB
ADDITIONS &
INTERIOR
RENOVATIONS


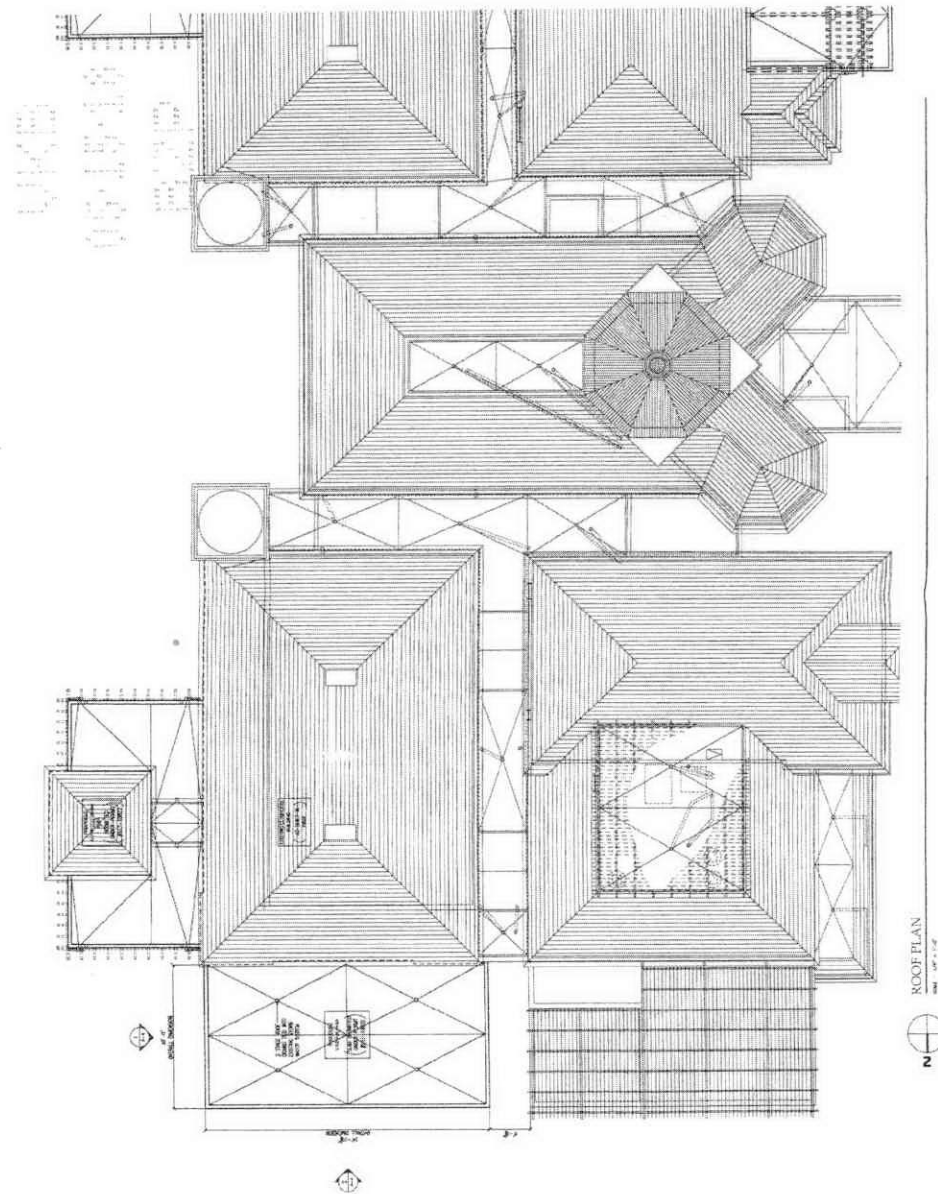
SITE PLAN
APPENDIX
KEY: MECA/ME
FLORIDA[illegible]

***Last Title:**

JAN PLAIN

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A-3



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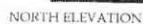
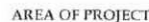


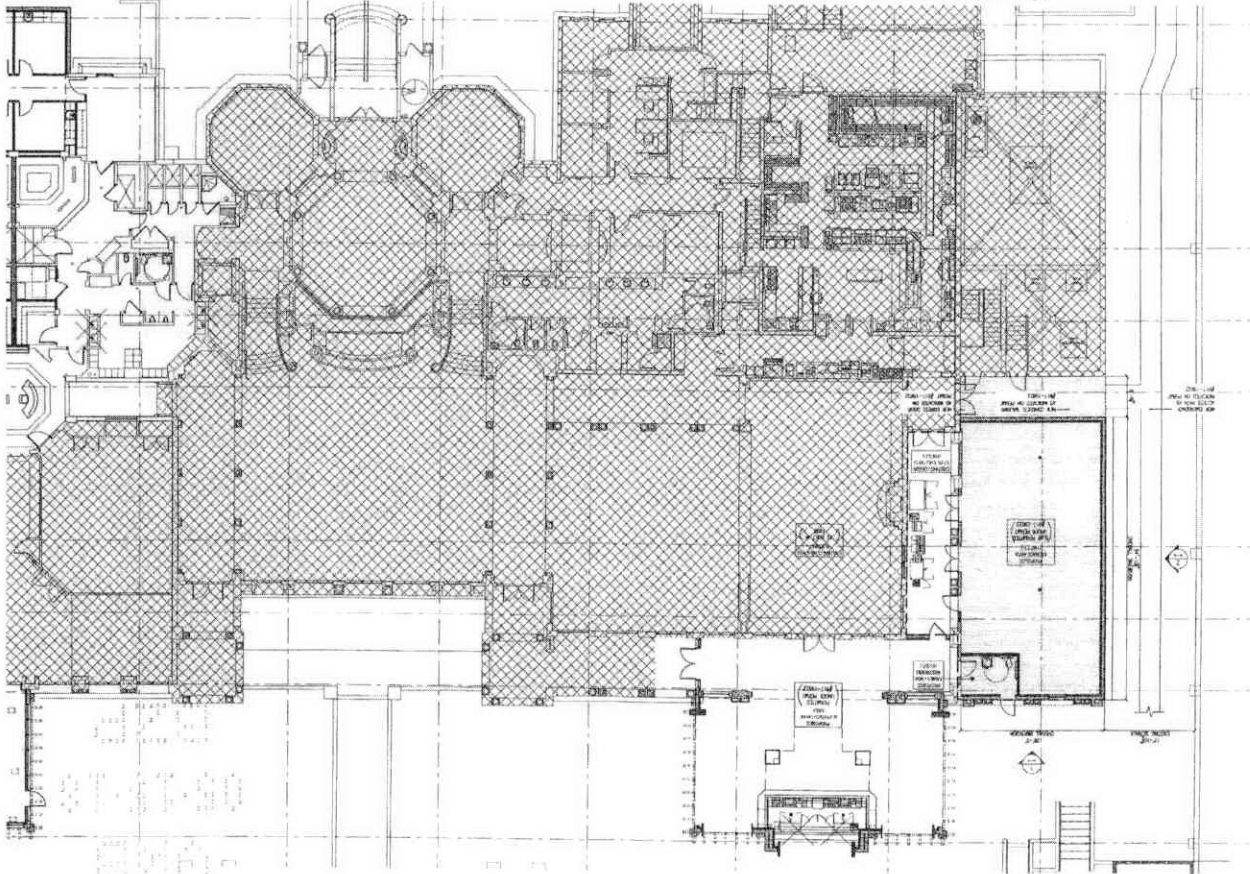
EXHIBIT C

**PLANS TITLED "OCEAN CLUB PHASE 2 STORAGE ROOM ADDITION "
PREPARED BY PEACOCK + LEWIS ARCHITECTS DATED APRIL 12 2018**

STORAGE BUILDING ADDITION



P+L PROJECT No. 15-086



A-2

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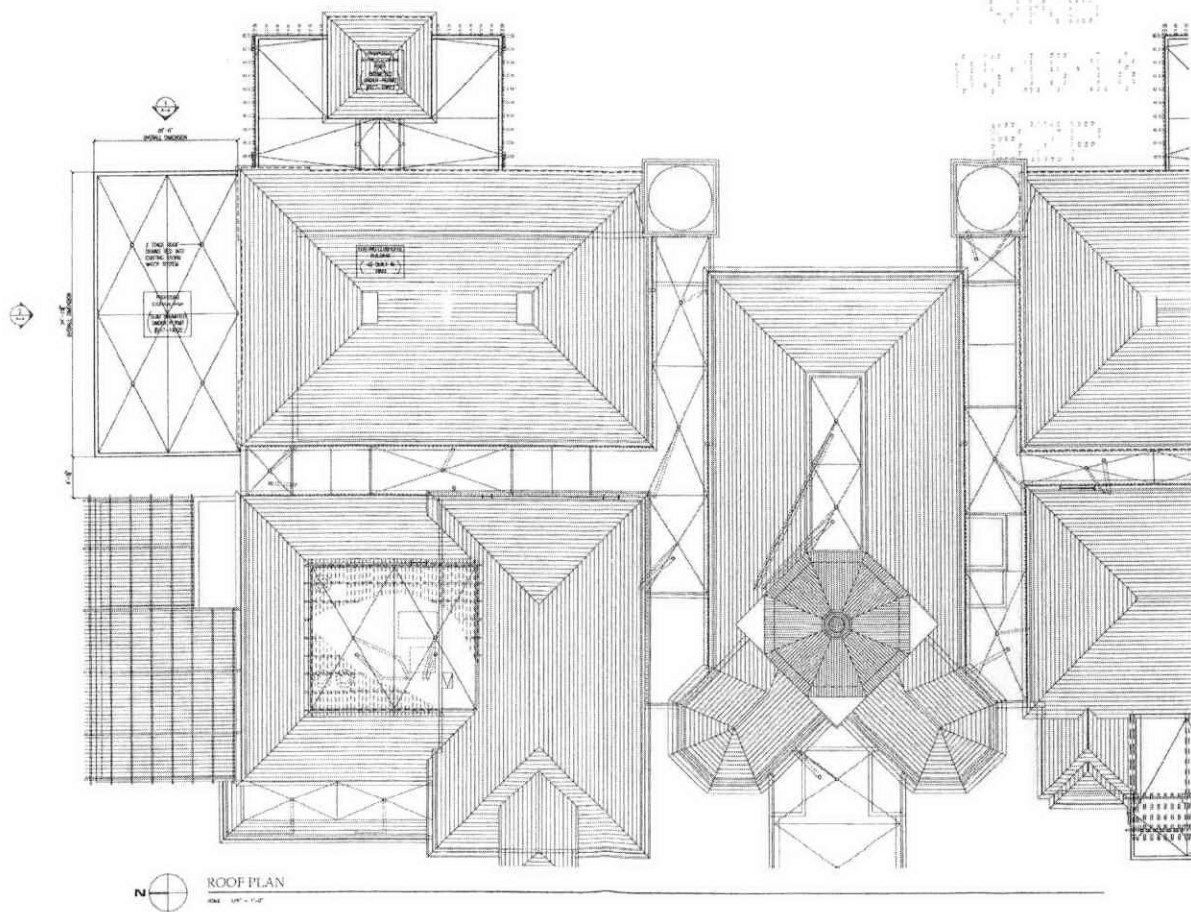
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1009 FIFTH AVENUE, NEW YORK, N.Y. 10028-2476
TEL: 212-875-5600 FAX: 212-875-5601
WWW.NYPL.ORG

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SEE PLAN
APPROVAL
ELEVATION

RENOVATIONS
INTERIOR
ADDITIONS &
DECKING[illegible]



PAUL J. LEVINE
Architect, P.A.
1945 N. W. 10th Ave.
Fort Lauderdale, FL 33304

REGISTERED ARCHITECT, STATE OF FLORIDA
EXPIRATION DATE: 12/31/2008



OCEAN CLUB

BEACH CLUB
ADDITIONS &
INTERIOR
RENOVATIONS

SITE PLAN
APPROVAL

KEY BEACHVIEW
FLORIDA

10/10/2004 12:00 PM
THIS SET OF PLANS WAS PREPARED BY THE ARCHITECT FOR THE PROJECT DESCRIBED ABOVE. IT IS THE ARCHITECT'S RESPONSIBILITY TO SEE THAT THE PLANS COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.



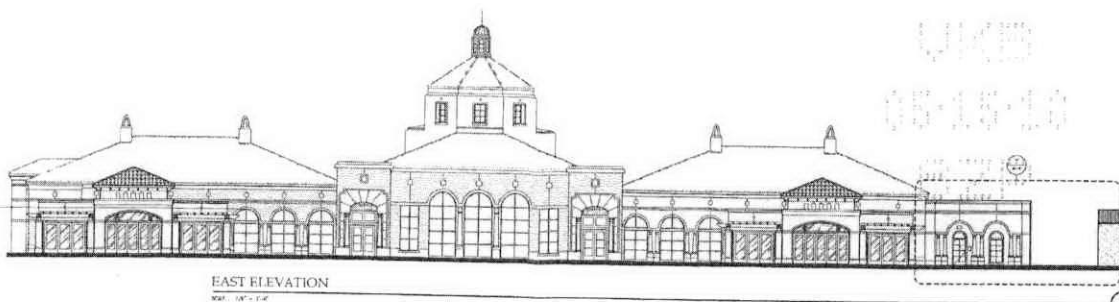
PAUL J. LEVINE
Architect, P.A.
1945 N. W. 10th Ave.
Fort Lauderdale, FL 33304

REGISTERED ARCHITECT, STATE OF FLORIDA
EXPIRATION DATE: 12/31/2008

NO.	DATE	DESCRIPTION
1	10/10/2004	PRELIMINARY
2	10/10/2004	REVISED
3	10/10/2004	REVISED
4	10/10/2004	REVISED
5	10/10/2004	REVISED
6	10/10/2004	REVISED
7	10/10/2004	REVISED
8	10/10/2004	REVISED
9	10/10/2004	REVISED
10	10/10/2004	REVISED

DATE: 10/10/2004
DRAWN BY: P.J.L.
CHECKED BY: P.J.L.

Sheet No.
A-3



EAST ELEVATION
SCALE: 1/8" = 1'-0"

FRACK & LEWIS
ARCHITECTS
1701 S. Highway 200
Fort Lauderdale, FL 33304
Phone: (954) 341-1100
Fax: (954) 341-1101

OCEAN CLUB
Beach Club
Fort Lauderdale, FL

BEACH CLUB
ADDITIONS &
INTERIOR
RENOVATIONS
SITE PLAN
APPROVAL
FTH INCORPORATED
FORT LAUDERDALE, FL

DESIGN REVIEW
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FORT LAUDERDALE, FL
DESIGN REVIEW BOARD
FORT LAUDERDALE, FL
DESIGN REVIEW BOARD
FORT LAUDERDALE, FL

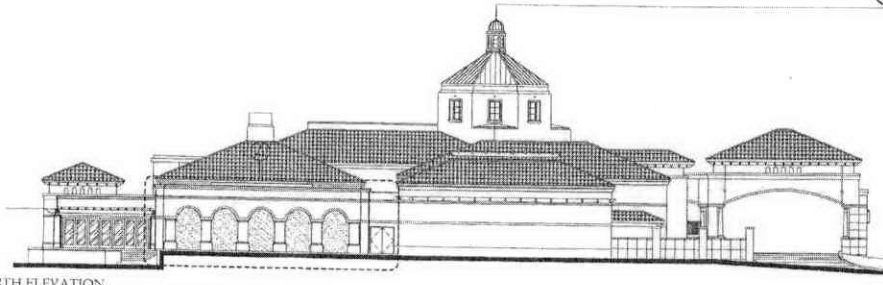
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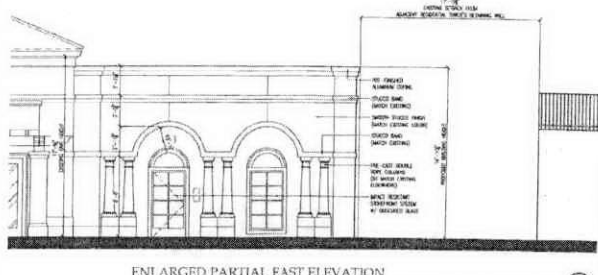
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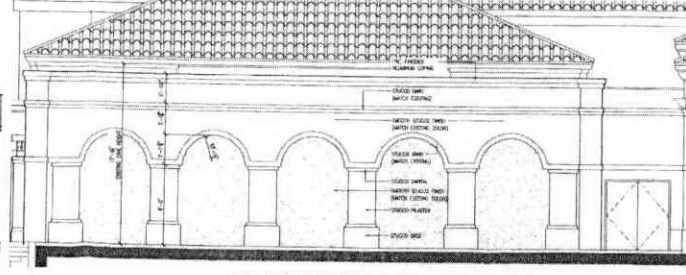
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DESIGN REVIEW BOARD
FORT LAUDERDALE, FL



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



ENLARGED PARTIAL EAST ELEVATION
SCALE: 1/8" = 1'-0"



ENLARGED PARTIAL NORTH ELEVATION
SCALE: 1/8" = 1'-0"

DESIGN REVIEW
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FORT LAUDERDALE, FL
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FORT LAUDERDALE, FL

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